

# Town of Lancaster

TOWN PLANNING BOARD  
21 Central Avenue  
Lancaster, New York 14086

December 7, 2022

**Planning Board Members:**

Neil Connelly, Chairman  
Rebecca Anderson  
John Copas  
Anthony Gorski  
Joseph Keefe  
Lawrence Korzeniewski  
Michael Reinhold

**Town Board Members:**

Ronald Ruffino, Sr., Supervisor  
Mark Burkard  
Adam Dickman  
Robert Leary  
David Mazur

**Engineering Consultant:**

Ed Schiller, Wm. Schutt & Associates

**Town Attorney:**

Thomas Fowler, Jr.

**Town Highway Superintendent:**

John Pilato

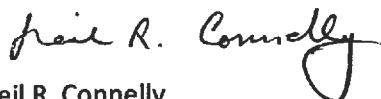
**Building & Zoning Inspector:**

Matthew Fischione

**Gentlemen/Ladies:**

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 7, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting and may be amended before approval.

Sincerely yours,



Neil R. Connelly  
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 7<sup>th</sup> day of December 2022 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman  
Rebecca Anderson, Member  
John Copas, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Michael Reinhold, Member

EXCUSED: None

ABSENT: None

ALSO PRESENT: None

Town Board Members: Councilman Dave Mazur

Other Elected Officials: None

Town Staff: Thomas E. Fowler, Jr., Town Attorney  
Ed Schiller of Wm. Schutt & Assoc.  
Matt Fischione, Code Enforcement Officer  
Cynthia Maciejewski, Secretary

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

**Roll Call of Planning Board Members**

Chairman Connelly-Present

Rebecca Anderson-Present

John Copas-Present

Anthony Gorski-Present

Joseph Keefe-Present

Lawrence Korzeniewski-Present

Michael Reinhold-Present

Minutes-A motion was made by Lawrence Korzeniewski to approve the minutes from the November 16, 2022 Planning Board Meeting with a correction to the SWPPP for Tool Ranch. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Yes

Anthony Gorski-Yes

Joseph Keefe-Yes

Lawrence Korzeniewski-Yes

Michael Reinhold-Yes

**Motion carried.**

TOWN OF LANCASTER PLANNING BOARD  
COMMUNICATIONS FOR DECEMBER 7, 2022

- 12.07.01 Letter dated 11/22/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 6026 Broadway, Edgewater East.
- 12.07.02 Letter dated 11/23/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 6130 Broadway, Commercial Storage Building.
- 12.07.03 Letter dated 11/28/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 611 Pavement Rd., 10 lot subdivision.
- 12.07.04 Letter dated 11/14/22 from Ed Schiller, Town Engineer, with comments regarding the Angry Buffalo Site Plan Amendment for 2757 Wehrle Dr.
- 12.07.05 Letter dated 11/28/22 from Matt Fischione to Gary Machniak regarding the need to submit a completed application form for the site plan amendment at 21 Pavement Rd.
- 12.07.06 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 6130 Broadway.
- 12.07.07 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 21 Pavement Rd.
- 12.07.08 Letter dated 11/16/22 from the Lancaster Police Department indicating no objection to the proposed project at 6026 Broadway, Edgewater East.
- 12.07.09 Letter dated 11/28/22 from William J. Karn, Jr., Chief of Police, Lancaster, noting issues with the proposed Pine Hill Estates at Pavement and Peppermint, such as excessive dust and noise generated by adjacent businesses, especially during the warmer months.
- 12.07.10 Copy of resolution adopted by Town Board on 11/21/22 approving the site plan at 5841 Genesee St. (Shop & Storage)
- 12.07.11 Copy of resolution adopted by Town Board on 11/21/22 approving the 2-lot subdivision at 10 Lancaster Parkway, with 2 conditions.
- 12.07.12 Copy of resolution adopted by Town Board on 11/21/22 approving the rezone of 5827 Broadway.

- 12.07.13 Notice of Public Hearings to be held 12/05/22 for a Special Use Permit for 10 Lancaster Parkway, and 2 amendments to the Town Code: Permit and Application Fees Revision, and Establishing a Local Government Code Enforcement Program.
- 12.07.14 Copy of resolution adopted by Town Board on 11/21/22 approving the Site Plan for 5827 Broadway, with 5 conditions.
- 12.07.15 Copy of resolution adopted by Town Board on 11/21/22 approving the amended site plan for 80 Rotech Dr., Classic Tube, with 2 conditions.
- 12.07.16 Memos dated 12/01/22 from Michelle Barbaro, Deputy Highway Superintendent, indication no issues with 6130 Broadway, 6026 Broadway, Fieldstream Subdivision, 21 Pavement Rd., and 611 Pavement Rd.
- 12.07.17 SEQR response dated 11/21/22 from the NYS DEC regarding the Tool Ranch, 3857 Walden Ave.
- 12.07.18 SEQR response dated 11/28/22 from ECWA regarding 5077 Transit Rd., Basil Car Storage.
- 12.07.19 SEQR response dated 11/23/22 from the ECWA regarding the Tool Ranch at 3857 Walden Ave.
- 12.07.20 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 611 Pavement Rd.
- 12.07.21 Letter dated 12/02/22 from Ed Schiller, Town Engineer, with comments regarding 6026 Broadway, Edgewater East.

# **Planning Board Minutes**

## **SEQR Review**

**December 7, 2022**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of December 2022 at 7:06p.m. and there were

**PRESENT:** REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN COPAS, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL REINHOLD, PLANNING BOARD MEMBER  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

**EXCUSED:** NONE

**ALSO PRESENT:** DAVID MAZUR, COUNCILMEMBER  
THOMAS E. FOWLER, JR., TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ED SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.  
CYNDI MACIEJEWSKI, SECRETARY

### **PURPOSE OF MEETING:**

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE Local Law Amending the Town Code related to certain zoning approvals under §400 to clarify the time for an applicant to request an approval extension.

The Planning Board reviewed the Full Environmental Assessment Form on the local law and discussed the impact and magnitude as outlined on the Full Environmental Assessment Form entitled "Part 2 Identification of Potential Project Impacts" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **Type 1 action**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a **Negative Declaration** for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Thomas E. Fowler, Jr., Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed local law amendment affects 0 acres of land.

The location of the premises being reviewed is the Town of Lancaster, New York 14086, Erie County.

This project described as a local law amendment affects 0.0 acre physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED  
BY CHAIR CONNELLY, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER  
COPAS,  
TO WIT:**

**REASONS SUPPORTING RECOMMENDATION**

1. Impact on land – No impact.
2. Impact on Geological Features – No impact
3. Impacts on Surface Water – No impact.
4. Impact on Groundwater – No impact
5. Impact on Flooding – No impact
6. Impact on Air – No impact
7. Impact on Plants and Animals – No impact
8. Impact on Agricultural Resources – No impact
9. Impact on Aesthetic Resources – No impact
10. Impact on Historic and Archeological Resources – No impact
11. Impact on Open Space and Recreation – No impact
12. Impact on Critical Environmental Areas – N/A
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. Impact on Transportation – No impact
14. Impact on Energy – No impact
15. Impact on Noise, Odor and Light – No impact
16. Impact on Human Health – No impact
17. Consistency with Community Plans – No impact.

**18. Consistency with Community Character – No impact.**

and,

**BE IT FURTHER**

**RESOLVED**, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

REBECCA ANDERSON, PLANNING BOARD MEMBER	VOTED YES
JOHN COPAS, PLANNING BOARD MEMBER	VOTED YES
ANTHONY GORSKI, PLANNING BOARD MEMBER	VOTED YES
JOSEPH KEEFE, PLANNING BOARD MEMBER	VOTED YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	VOTED YES
MICHAEL REINHOLD, PLANNING BOARD MEMBER	VOTED YES
NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED YES
<b>The Motion to recommend was thereupon adopted.</b>	

December 7, 2022



**Planning Board Minutes**  
**SEQR Review**  
**DECEMBER 7, 2022**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of December 2022 at 7:07 pm and there were

**PRESENT:** REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN COPAS, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER  
MICHAEL REINHOLD, PLANNING BOARD MEMBER  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

**EXCUSED:**

**ALSO PRESENT:** DAVID MAZUR, COUNCILMEMBER  
THOMAS E. FOWLER, JR., TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ED SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.  
CYNTHIA MACIEJEWSKI, SECRETARY

**PURPOSE OF MEETING:**

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE Local Law Amending Subsection §400-38(H)4)(d) Approval of Minor Subdivision, Planning Board Recommendations, (5)(f) Approval of Preliminary Plat of Major Subdivision, (8) Filing of a Final Plat; and adding (9) Model Homes and (10) Building Permits to the Town Code of the Town of Lancaster

The Planning Board reviewed the Full Environmental Assessment Form as outlined in the Full Environmental Assessment Form entitled "Part 2 Identification of Potential Project Impacts" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is a Type 1 action, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Thomas E. Fowler, Jr., Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed local law amendment affects 0 acres of land.

The location of the premises being reviewed is the Town of Lancaster, New York 14086, Erie County.

This project described as a local law amendment affects 0.0 physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED  
BY CHAIR CONNELLY, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER  
KEEFE,  
TO WIT:**

**REASONS SUPPORTING RECOMMENDATION**

1. Impact on land – No impact
2. Impact on Geological Features – No impact
3. Impacts on Surface Water – No impact
4. Impact on Groundwater – No impact
5. Impact on Flooding – No impact
6. Impact on Air – No impact
7. Impact on Plants and Animals – No impact
8. Impact on Agricultural Resources – No impact
9. Impact on Aesthetic Resources – No impact
10. Impact on Historic and Archeological Resources – No impact
11. Impact on Open Space and Recreation – No impact
12. Impact on Critical Environmental Areas – N/A
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. Impact on Transportation – No impact.

- 14. Impact on Energy – No impact**
- 15. Impact on Noise, Odor and Light – No impact**
- 16. Impact on Human Health – No impact**
- 17. Consistency with Community Plans – No impact**
- 18. Consistency with Community Character – No impact**

and,

**BE IT FURTHER**

**RESOLVED**, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

REBECCA ANDERSON, PLANNING BOARD MEMBER	VOTED YES
JOHN COPAS, PLANNING BOARD MEMBER	VOTED YES
ANTHONY GORSKI, PLANNING BOARD MEMBER	VOTED YES
JOSEPH KEEFE, PLANNING BOARD MEMBER	VOTED YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	VOTED YES
MICHAEL REINHOLD, PLANNING BOARD MEMBER	VOTED YES
NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED YES
<b>The Motion to recommend was thereupon adopted.</b>	

December 7, 2022

**SITE PLAN REVIEW – PROJECT #2117, EDGEWATER EAST, S.B.L. #116.00-2-11.1, LOCATED AT 6026 BROADWAY. CONSTRUCTION OF FIVE, 2-STORY, 10-UNIT APARTMENT BUILDINGS(50 UNITS TOTAL). CONSTRUCTION WILL ALSO INCLUDE A STORMWATER MANAGEMENT SYSTEM, UTILITY IMPROVEMENTS AND A TOTAL OF 111 PARKING SPACES INCLUDING 50 GARAGE SPACES.**

Peter Sorgi presented the site plan along with Jonathan Barniak of Carmina Wood Design. The 50 unit apartment complex will require three variances. The variances include density allowed at 47 units and 50 units are requested, front parking access setback and fence height from 3' to 4'. If three apartments were removed, two variances would no longer be necessary. This is potentially an unlisted action according to the presenter. The Town Board would assume the role of lead agency for the SEQR process. A half acre of woods are being removed and this is valuable lands filled with ash and poplar trees. The landscape plan submitted is not enough and the pines should be replaced with a native species and/or pollinator garden. The dog park is in need of waste collection and a maintenance plan. Matt Fischione, Code Enforcement Officer and Ed Schiller, Engineer have submitted comment letters that need to be addressed. SEQR is not ready for review and has not been coordinated. Pedestrian traffic along the state and county roads will need to be addressed.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by Rebecca Anderson.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**REZONE & SITE PLAN REVIEW – PROJECT #2158, COMMERCIAL STORAGE BUILDING, S.B.L. #116.00-3-3.1, LOCATED AT 6130 BROADWAY. DEVELOPMENT WILL CONSIST OF APPROXIMATELY 6,000 SQ FT STORAGE BUILDING FOR MATERIAL STORAGE. ADDITIONAL SITE IMPROVEMENTS INCLUDE ASPHALT PAVEMENT, AN ON-SITE SEPTIC SYSTEM AND STORMWATER INFRASTRUCTURE.**

Michael Metzger of Metzger Civil Engineering PLLC and Mr. Carroll, owner reviewed the project that was last in front of the Planning Board on October 5, 2022. The full site plan has been submitted which matches the concept plan and includes the building elevations and floor plan. The frontage on Broadway is 271' wide and the building will be set approximately 400' from Broadway. Disturbance area will be tightened up to be less than one acre of land. A gate will be installed across the driveway for security and the location is not for retail use. Minimal truck deliveries will be made of supplies from the Genesee Street location. Storm Water Detention

and the septic system are shown on the plans and have not changed. Gas and electric lines will stay within the limits of disturbance. This is a single business use with an office on the second floor. There is a question on the review fee submitted and what acreage the fee is based on. The feeling of the Planning Board was that the fee should be based on the affected area.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**PRELIMINARY PLAT PLAN REVIEW – PROJECT #1619, PINE HILL ESTATES, S.B.L. #94.00-3-10, LOCATED AT 611 PAVEMENT ROAD. THE PROPOSED DEVELOPMENT CONSISTS OF A SUBDIVISION OF APPROXIMATELY 75+/- ACRES OF LAND ADDRESSED INTO 10 LOTS FOR THE PURPOSE OF CREATING LARGER, LOW DENSITY SINGLE FAMILY RESIDENTIAL HOMES.**

Michael Metzger of Metzger Civil Engineering, PLLC along with Tim Burger, client presented the Preliminary Plat. On September 2, 2022, the Planning Board approved the Sketch plan. The subdivision needs a Phase 1 A Archaeological Study. This is due to the question of a cemetery and written records are being reviewed. The SEQR review is in process currently. This property was an active mine which has been closed and DEC has issued a reclamation letter which was submitted to the Town for review. The comment letters from Ed Schiller, Engineer and Matt Fischione, Code Enforcement Officer are being addressed by the applicant. A comment letter was received from Police Chief Karn regarding the dust and noise impact on the proposed homes by United Materials. Town codes and limitations of operation may need to be reviewed regarding the noise and dust generated at the United Materials site. The noise and dust are concerns for this subdivision along with the future resident complaints that are sure to happen even with the installation of a 6' berm in front of the homes. The set back of the homes will be determined by code and customer preference. The applicant was again asked to request the operating permit for United Materials.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by John Copas

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**Other items discussed**

Training is available for members and Chair Connelly will ask that the members are credited for one hour of training from the Buffalo Niagara Waterkeeper presentation.

As his term comes to an end, this could be Chair Connelly's last meeting. He is proud of the accomplishments of the Board during his 15 year tenure. Development was kept under control during this time and he gave a partial list of projects that were denied or are at least temporarily halted. Some disappointments include not creating an Architectural Review Board, the Balducci property on Pavement Road, not being acquired and added to Westwood Park, and the Town's reluctance to adopt a program similar to Clarence's Greenprint. The need for a Town Planner is ongoing. The secretary situation for the Planning Board during a large part of 2022 was a debacle. Eastport still stands idle. Can the LIDA do something proactively for that site? Finally the Chairman of the Town Planning Board needs to have a town email address. Chair Connelly thanked the Town Board staff for their expertise and input that the Planning Board relies on to help make good decisions. He also thanked the members of the Planning Board, past and present, for their dedication in making informed choices that strive to strike a balance that will protect and enhance the quality of life of residents and yet be business friendly.

Motion made by Rebecca Anderson at 8:58p.m. and seconded by Michael Reinhold to adjourn the meeting. **Motion carried.**